

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CHERRI ELL PHILLIPS

v.

JEFFREY NADEL, ET AL.

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Civil No. – JFM-13-973

MEMORANDUM

Presently pending in this case are two motions: a motion to remand filed by plaintiff and a motion to dismiss filed by defendants Ocwen Loan Servicing, LLC and Wells Fargo National Bank. Plaintiff's motion to remand will be denied and defendants' motion to dismiss will be granted. Further, because it is clear that plaintiff cannot state a claim against the remaining defendants, Jeffrey Nadel, Scott Nadel, and Homeq Servicing, the action will be dismissed as to those defendants as well.

The action arises out of alleged improprieties that occurred in connection with the foreclosure of the property located at 3711 Lanamer Road, Randallstown, Maryland. Plaintiff fully participated in the foreclosures proceedings, and she could have raised the claims that she asserts in this case in the foreclosure proceedings. Thus, this action is barred by the doctrine of *res judicata*. This warrants denial of the motion to remand since the non-diverse defendants clearly have a viable defense. Likewise, the same doctrine requires dismissal of the claims against all defendants.

A separate order effecting the rulings made in this memorandum is being entered herewith.

Date: June 19, 2013

/s/
J. Frederick Motz
United States District Judge

